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and the Proposed Class

20
21 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
22 **WESTERN DIVISION**

23 EMMETT ENRIQUES, *individually and*
on behalf of all others similarly situated,

24 Plaintiffs,

25 v.

26 ONLY WHAT YOU NEED, INC., *a*
Delaware Corporation; THE SIMPLY
27 GOOD FOODS COMPANY, *a Delaware*
Corporation; and DOES 1 through 70,
INCLUSIVE,

28 Defendants.

Case No. 2:24-cv-08969-GW-BFM

STIPULATED ORDER RE:
DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION

1 1. **Purpose.** This Order will govern discovery of electronically stored
2 information (“ESI”) in this case as a supplement to the Federal Rules of Civil
3 Procedure and any other applicable orders and rules.

4 2. **Cooperation.** The parties are aware of the importance of cooperation in
5 discovery and commit to cooperate in good faith throughout the matter.

6 3. **Exchange of e-discovery materials.** Within 15 days of the entry of this Order,
7 the parties shall exchange the following information:

- 8 a. a list of the most likely custodians of relevant electronic materials;
- 9 b. a list of each relevant electronic system and a general description of each
10 system;
- 11 c. other pertinent information about the parties’ electronic documents and
12 whether those documents are of limited accessibility, that is, those created
13 or used by electronic media no longer in use, maintained in redundant
14 electronic storage media, or for which retrieval involves substantial cost;
- 15 d. a general description of the parties’ electronic document retention policies;
16 and
- 17 e. a description of any problems reasonably anticipated to arise in connection
18 with e-discovery.

19 4. **Search methodology.**

- 20 a. Within 7 days of the receipt of the information specified in section 3, a
21 party seeking ESI shall identify proposed search terms and a proposed
22 search methodology(ies) for the electronic systems and custodians for
23 which a search is requested, *provided, however*, that if Plaintiff has
24 questions regarding the materials provided pursuant to section 3, Plaintiff
25 may inform Defendants within the 7-day period referenced above that
26 Plaintiff elects to depose representative(s) of Defendants for the purposes
27 of obtaining more information regarding each of the topics set forth in
28 section 3, and in the event that such deposition(s) take place, Plaintiff will

1 have until 7 days after receipt of the last transcript of the deposition(s) to
2 provide Defendants with proposed search terms and a proposed search
3 methodology(ies) for the electronic systems and custodians for which a
4 search is requested;

- 5 b. Within 10 days of the receipt of a list of search terms and a proposed
6 methodology(ies), the party from whom ESI is sought shall either indicate
7 that it will conduct the proposed searches or meet and confer with the
8 requesting party to reach an agreement on the search terms and
9 methodology(ies). If the parties are unable to reach an agreement about
10 search terms or methodology(ies), they may raise the issue(s) with the
11 Court pursuant to its procedures for adjudicating discovery disputes.

12 **5. Timing of e-discovery.** Discovery of electronic documents shall proceed in
13 the following sequenced fashion:

- 14 a. Electronic searches shall be conducted in the manner specified in section 4.
15 b. Electronic searches of documents identified as of limited accessibility shall
16 not be conducted until the initial electronic document search has been
17 completed and the party requesting a search of limited accessibility
18 documents submits a request that is narrowly focused with a factual basis
19 supporting the request, *provided, however*, that if relevant information is
20 only available in documents identified as of limited accessibility, the
21 parties will cooperate in good faith to arrange for the mutually acceptable
22 production of such documents.
23 c. On-site inspections of electronic media shall not be permitted absent
24 exceptional circumstances where good cause and specific need have been
25 demonstrated. If relevant information is only accessible on-site, then the
26 “exceptional circumstances” referred to in this provision shall be deemed
27 to have been shown, but a showing of good cause and specific need must
28 still be made.

1 **6. Format.** Unless the parties agree otherwise,¹ electronic documents other than
2 Excel files, spreadsheets, PowerPoints, video files, and audio files shall be produced
3 to the requesting party as image files (e.g., PDF or TIFF). When the image file is
4 produced, the producing party must preserve the integrity of the electronic
5 document's contents, i.e., the original formatting of the document, its metadata, and,
6 where applicable, its revision history. Setting aside Excel files, spreadsheets,
7 PowerPoints, video files, and audio files, after initial production in image file format
8 is complete, a party must demonstrate particularized need for production of
9 electronic documents in their native format. Excel files, spreadsheets, PowerPoints,
10 video files, and audio files shall be produced only in native format. The parties agree
11 not to degrade the searchability of documents as part of the document production
12 process.

13 **7. Privilege.**

- 14 a. If a document contains both privileged and non-privileged information, the
15 parties shall redact the document rather than withholding it in its entirety if
16 redaction is reasonably possible.
- 17 b. If a party redacts or withholds any ESI on the ground of attorney-client
18 privilege, the attorney work product doctrine, or any other applicable
19 privilege or doctrine, that party, within 30 days of the date of completion
20 of the ESI production, shall identify all such documents redacted or
21 withheld on a log. The log shall contain the following information:
- 22 i. The Bates number of the document redacted or being withheld;
23 ii. The date the document was created and/or transmitted;
24 iii. The identity of individuals who created, transmitted, and/or received
25 the document;
26 iv. A brief description of the document; and

27 ¹ If particular documents warrant a different format, the parties will cooperate to
28 arrange for the mutually acceptable production of such documents.

- 1 v. The basis for redacting or withholding the document.
- 2 c. Notwithstanding section 7(b), the parties agree that all communications
- 3 between the parties and their outside counsel of record in this matter, and
- 4 all communications involving only outside counsel of record in this matter,
- 5 are privileged, and the parties need not produce such communications nor
- 6 include them on any privilege log.
- 7 d. ESI that contain privileged information or attorney work product shall be
- 8 immediately returned if the documents appear on their face to have been
- 9 inadvertently produced of if there is notice of the inadvertent production.
- 10 All copies shall be returned or destroyed by the receiving party.
- 11

12 **IT IS SO STIPULATED**, through Counsel of Record.

13 Dated: April 28, 2025 /s/ George Granade (with authorization)

14 Counsel for Plaintiff

15 Dated: April 28, 2025 /s/ David Kwasniewski

16 Counsel for Defendants

17

18 **ATTESTATION**

19 Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), the filer attests that concurrence in the

20 filing of this document has been obtained from the signatories above.

21

22 **IT IS ORDERED** that the foregoing Agreement is approved.

23 Dated: APRIL 29, 2025



24 HON. BRIANNA FULLER MIRCHEFF

25 UNITED STATES MAGISTRATE JUDGE

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